

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Indictment No.: 20 CR 160 (MKV)

v.

JORGE NAVARRO, et al.,
(SETH FISHMAN),

NOTICE OF MOTION

Defendant.

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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and Declaration of Maurice H. Sercarz and the exhibits attached thereto, defendant SETH FISHMAN, hereby moves this Court, before the Honorable Mary Kay Vyskocil for an Order:

- (1) Suppressing the introduction of evidence pursuant to the wiretap orders and searches described herein;
- (2) In the alternative, granting the defendant a hearing in accordance with *Franks v. Delaware*, 438 U.S. 154, 164-72 (1978);
- (3) Permitting the defendant to join in the motions and arguments of the co-defendants Jorge Navarro and Christopher Oakes to suppress evidence obtained by electronic eavesdropping over those phones in which Fishman is, within the meaning of the statute, an “aggrieved party.”
- (4) Permitting the defendant to join in all the motions brought by his co-defendants to the extent that they are applicable to him.
- (5) Reserving the defendant’s right to supplement this motion once the Government specifies, in accordance with Fed.R.Crim.P. Rule 12(b)(4)(B), the evidence seized during Court ordered electronic eavesdropping, searches of the defendant’s home,

ground floor business premises and storage facility, and statements made by the defendant during interrogation by agents of law enforcement.

(6) And, for such other and further relief as to this Court may seem just and proper.

Dated: New York, New York
July 29, 2021

Respectfully submitted,

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